

ORIGINAL

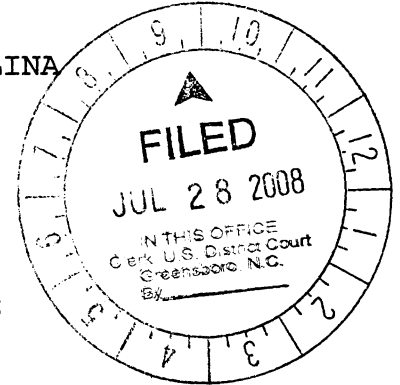
IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA

v.

LAVEL MYNER BEST,
also known as "Vel"

1:08CR60-2



FACTUAL BASIS

NOW COMES the United States of America, by and through Anna Mills Wagoner, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11, Fed. R. Crim. P., states the following:

On August 29, 2007, a confidential informant working with the Salisbury Police Department met with the defendant at 312 East 11th Street, Salisbury, Rowan County, North Carolina, for the purpose of purchasing a firearm. During this meeting the defendant sold the confidential informant a Smith and Wesson .357 caliber revolver, model 19-5, with serial number 194K032 in exchange for \$250. The defendant was previously convicted of assault with a deadly weapon inflicting serious injury, an offense punishable by imprisonment for a term exceeding one year, in Rowan County, North Carolina, on November 29, 2005.

Special Agent Philip Angarole conducted the Nexus research on the revolver, and determined that it had been manufactured outside of the state of North Carolina, and that it functioned properly. The defendant has not received an official pardon or

relief from his state firearms disability, nor has he received a restoration of his federal firearm rights.

On October 22, 2007, officers with the Rowan County Sheriff's Department contacted the defendant while they were in the process of arresting another individual that had been speaking to the defendant as the defendant sat in his automobile. The officers noted the odor of burnt marijuana coming from the interior of the defendants car. The officers were notified that there were outstanding arrest warrants for the defendant. The defendant was placed under arrest, and a search incident to that arrest revealed a small baggy of suspected crack cocaine located between the buttocks of the defendant. The suspected cocaine tested positive as "crack" cocaine in the amount of 5.8 grams.

This the 28th day of July, 2008.

Respectfully submitted,

ANNA MILLS WAGONER
United States Attorney



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 v. :
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CERTIFICATE OF SERVICE

I hereby certify that on July 28th, 2008, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel:

Anne R. Littlejohn, Esq.



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